

District Court, Boulder County, Colorado Court Address: 1776 6 <sup>th</sup> Avenue Boulder, CO 80306	DATE FILED: March 23, 2021 10:54 AM FILING ID: 438BF441836DE CASE NUMBER: 2021CR497
THE PEOPLE OF THE STATE OF COLORADO  v.  AHMAD AL ALISSA, Defendant.	σ COURT USE ONLY σ
Megan Ring, Colorado State Public Defender Kathryn Herold #40075 Supervising Deputy State Public Defender Sam Dunn #46901 Senior Deputy Public Defender Boulder Regional Public Defenders 2555 55TH Street D-200, Boulder, CO 80301 Phone: (303) 444-2322; Fax: (303) 449-6432 E-mail: boulder.defenders@state.co.us	Case No. 21CR497  Division 13
<p align="center"> <b>MOTION REQUESTING THE COURT APPOINT THE STATE PUBLIC DEFENDER          TO REPRESENT THE ACCUSED MR. AHMAD AL ALISSA AND DEMAND FOR          ACCESS TO MR. AL ALISSA          (D-011)</b> </p>	

1. In all criminal prosecutions, the accused shall have the assistance of Counsel for his defence. United States Constitution, Amendment VI (1791). All people accused of crimes are entitled to access to an attorney, and if they cannot afford an attorney, one shall be appointed to represent them. *Gideon v. Wainwright*, 372 U.S. 335 (1963). The state public defender shall represent as counsel any indigent person who is under arrest for or charged with committing a felony if

- (a) the accused completes an application while at liberty and on bond, or;
- (b) the state public defender determines the accused is indigent, or;
- (c) the court, on its own motion or otherwise appoints the public defender, or;
- (d) persons held in any institution against their will by process or otherwise for the treatment of any disease or disorder or confined for the protection of the public.

C.R.S. 21-1-103.<sup>1</sup>

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<sup>1</sup> This is not intended to be an exhaustive list of scenarios by which the public defender may be appointed, only the statutory provisions that appear to apply at this early stage.

2. The public defender responded to Boulder Community Hospital on March 22, 2021, and made ourselves known and available to hospital staff, who communicated our availability to represent and counsel the individual we now believe to be Mr. Al Alissa. The hospital would not confirm the patient's identity, who law enforcement officials were detaining and confining, but based on all available information, including the statements made by several government officials<sup>2</sup> during a press conference during the morning of March 23, 2021, we believe that patient to be Mr. Al Alissa. On March 22, 2021, hospital staff communicated to the public defender employees that the FBI was not allowing us access to their suspect. Despite our request, no law enforcement official would speak to us regarding this.

3. We request the Court appoint the state public defender conditionally, until we can determine if Mr. Al Alissa wants the assistance of counsel. Counsel attaches Exhibit A, a public defender application, and requests the Court sign off and appoint us.

4. To effectuate this, we demand access to Mr. Al Alissa at the Boulder County Jail, Boulder Community Hospital, or any other hospital or detention facility where he may be confined.

/s/ Sam Dunn  
Sam Dunn, #46901  
Senior Deputy State Public Defender

Dated: March 23, 2021

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<sup>2</sup> Including District Attorney Michael Dougherty and Boulder Police Chief Maris Herold.

